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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCO ANTONIO RODRIGUEZ-VALDEZ,
aka "Marco Rodriguez-Valdez,"
aka "Marco Antonio Arredondo-Zazueta,"
aka "Antonio Arredondo,"
aka "Marco Zazueta,"

Defendant.

Case No. 2:23-mj-739-NJK

**Stipulation to Extend Deadlines
to Conduct Preliminary Hearing
and File Indictment (First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Justin Washburne, Assistant United States Attorney, counsel for the United States of America, and Heather Fraley, Assistant Federal Public Defender, counsel for Defendant MARCO ANTONIO RODRIGUEZ-VALDEZ¹ that the Court schedule the preliminary hearing in this case for no earlier than 75 days from the date

¹ Defendant claims his true name is Marco Antonio Arredondo-Zazueta, but his immigration record indicates his true name is Marco Antonio Rodriguez-Valdez.

1 of the filing of this stipulation. This request requires that the Court extend two deadlines: (1)
2 that a preliminary hearing be conducted within 14 days of a detained defendant's initial
3 appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed
4 within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

5 This stipulation is entered into for the following reasons:

6 1. The United States Attorney's Office has developed an early disposition
7 program for immigration cases, authorized by the Attorney General pursuant to the
8 PROTECT ACT of 2003, Pub. L. 108-21.

9 2. The early disposition program for immigration cases is designed to: (1) reduce
10 the number of hearings required in order to dispose of a criminal case; (2) avoid having
11 more cases added to the court's trial calendar, while still discharging the government's duty
12 to prosecute federal crimes; (3) reduce the amount of time between complaint and
13 sentencing; and (4) avoid adding significant time to the grand jury calendar to seek
14 indictments in immigration cases, which in turn reduces court costs.

15 3. The government has made a plea offer in this case that requires defendant to
16 waive specific rights and hearings in exchange for "fast-track" downward departure under
17 USSG § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is
18 indicted and before a preliminary hearing is held.

19 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the
20 preliminary hearing within a reasonable time, but no later than 14 days after the initial
21 appearance if the defendant is in custody"

22 5. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a
23 showing of good cause—taking into account the public interest in the prompt disposition of
24

1 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
2 times”

3 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
4 information or indictment charging an individual with the commission of an offense shall be
5 filed within thirty days from the date on which such individual was arrested or served with a
6 summons in connection with such charges.”

7 7. Defendant needs additional time to review the discovery and investigate
8 potential defenses to make an informed decision as to how to proceed, including whether to
9 accept the fast-track plea agreement.

10 8. Accordingly, the parties jointly request that the Court schedule the
11 preliminary hearing in this case no sooner than 75 days from today’s date.

12 9. Defendant is in custody and agrees to the extension of the 14-day deadline
13 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
14 § 3161(b), provided that the information or indictment is filed on or before the date ordered
15 pursuant to this stipulation.

16 10. The parties agree to the extension of that deadline.

17 11. This extension supports the public interest in the prompt disposition of
18 criminal cases by permitting defendant to consider entering into a plea agreement under the
19 United States Attorney’s Office’s fast-track program for § 1326 defendants.

20 12. Accordingly, the additional time requested by this stipulation is allowed
21 under Federal Rule of Criminal Procedure 5.1(d).

22 13. In addition, the parties stipulate and agree that the time between today and
23 the scheduled preliminary hearing is excludable in computing the time within which the
24 defendant must be indicted and the trial herein must commence pursuant to the Speedy

1 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.
2 § 3161(h)(7)(B)(i) and (iv).

3 14. This is the first request for an extension of the deadlines by which to conduct
4 the preliminary hearing and to file an indictment.

5 DATED this 23rd day of August, 2023.

6 Respectfully submitted,

7 JASON M. FRIERSON
United States Attorney

8 /s/ Heather Fraley
9 Assistant Federal Public Defender
Counsel for Defendant
10 MARCO ANTONIO RODRIGUEZ-
11 VALDEZ

/s/ Justin Washburne
JUSTIN J. WASHBURNE
Assistant United States Attorneys

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**Order on Stipulation to Extend
Deadlines to Conduct Preliminary
Hearing and File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on August 28, 2023 at the hour of 4:00 p.m., be vacated and continued to 4:00 p.m. on November 6, 2023, in Courtroom 3C.

DATED this 24th day of AUGUST, 2023.


HONORABLE NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE